Mr. Govinda Pillai then offered to withdraw the Bill now before the Council.

Permission was granted accordingly.

BREACH OF CONTRACT REGULATION AMENDMENT BILL.

Mr. Rajaram Row:—I beg to present the Report of the Select Committee on this Bill. The Report and the amended Bill have been already published in the Gazette, but as the interval of 21 days from the date of publication required by the Rules has not elapsed, I beg to propose that the consideration of the Bill may be deferred to the next meeting.

Seconded by Mr. Ramier.

The motion was put and agreed to.

LUNACY BILL.

Mr. Govinda Pillai:—I beg to propose the amendments of which I have given notice. I will, as usual, take them in the order of the sections.

Section 2, Clause (c).

Mr. Govinda Pillai:—I would recast the definition of "Lunatic Asylum" as follows:—

"'Lunatic Asylum' means a place appointed to be an Asylum under section 3."

The amendment is merely verbal.

Seconded by Mr. Nagam Aiya.

Carried.

Section 2, Clause (e).

Mr. Govinda Pillai:—I beg to propose that the following be substituted for this clause:—

"'Division Peishcar' shall include every officer who for the time being is authovized to exercise the powers of a Division Peishcar."

This also is a verbal amendment and is intended to secure brevity and clearness of expression.

Seconded by Mr. Rajaram Row.

Carried.

Section 3.

Mr. Govinda Pillai:—I beg to propose that the words "and may in like manner alter or cancel any such notification" at the end of the section be omitted. These words are unnecessary as the power referred to is conferred by section 14 of the General Clauses Regulation.

Seconded by Mr. Ramier.

Carried.

Section 12.

Mr. Govinda Pillai:—I beg to propose that the proviso to this section be recast as follows:—

"Provided that evidence as to the conduct of the alleged lunatic shall ordinarily be restricted to his acts within a period of two years before the date of the application; but the court may, in its discretion, admit evidence of acts done before that period."

The amendment seeks merely to make the meaning clearer and the wording precise.

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Seconded by Mr. Kuruvila.

Carried.

Section 14.

Mr. Govinda Pillai:—I beg to propose that the following proviso be added to this section:—

"Provided that nothing in this section shall prevent the District Court from appointing a temporary receiver of the alleged lunatic's property during the enquiry under the preceding sections, if it is satisfied that there are *prima facie* grounds for believing that he is a lunatic."

This power is necessary as, in some cases, the enquiry may take a long period to finish and as, unless the Courts have power to appoint a manager of the estate by an interlocutory order, the next heir or interested person may tamper with the estate and defeat the object of the enquiry.

Seconded by Mr. Rajaram Row.

Carried.

Section 16.

Mr. Govinda Pillai.—I beg to propose that this section be omitted and in its place the following sections be substituted:—

"16. Every guardian appointed under this Regulation shall exercise the same powers in the management of the estate as might have been exercised by the proprietor if not a lunatic; and shall collect and pay all just claims, debts and liabilities due to or by the estate of the lunatic. But no such guardian shall have power to sell or mortgage the estate or any part thereof or to grant a lease of any immovable property for any period exceeding five years without the special order of the Court.

"17. Every person appointed to be guardian of the estate of the lunatic shall within six months from the date of his appointment deliver to the Court an inventory of the landed property belonging to the lunatic and of all such sums of money, goods and effects as he shall receive on account of the estate together with a statement of all debts due by or to the same. And every such guardian shall furnish to the Court annually within three months of the close of the official year an account of the property in his charge exhibiting the sums received and disbursed on account of the estate and the balance remaining in his hands. If any relative of the lunatic or any public officer by petition to the Court shall impugn the accuracy of the said inventory and statement or of any annual account, the Court may summon the guardian and enquire summarily into the matter and make such order thereon as it shall think proper."

These two sections are reproduced from sections 14 and 15 of the British Indian Act XXXV of 1858 and contain specific provisions as to the duties, rights and liabilities of guardians in a clear form. It is desirable in every way to embody the specific provisions in the Regulation itself rather than resort to referential legislation as the original section 16 purports to do.

Seconded by Mr. Nagam Aiya.

Carried.

Section 25.

Mr. Govinda Pillai:—I beg to propose that between "of" and "sections" in line 4, "section 18, clause (2) or" be inserted. This amendment seeks to supply an inadvertent omission.

Seconded by Mr. Rajaram Row.

Carried.

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Section 26.

Mr. Govinda Pillai:—I beg to propose that the following new section be inserted after this section:—

"Whoever shall be guilty of cruelty to, or neglect of, a lunatic detained under section 18, clause (2), or section 23 or 24, or of negligence in his care and control resulting in a public nuisance shall, on conviction before a Magistrate empowered under section 23, be liable to simple imprisonment for a period which may extend to one month or fine not exceeding one hundred rupees."

It is obviously necessary to provide for punishment of cruelty or negligence referred to in this section on the part of guardians.

Seconded by Mr. Nagam Aiya.

Carried.

Section 27.

Mr. Govinda Pillai:—I beg to propose that the word "dangerous" be inserted between "a" and "lunatic" in line 3.

This is only meant to make the wording precise.

Seconded by Mr. Kuruvila.

Carried.

Mr. Govinda Pillai:—I would propose that the numbering of the sections be altered in accordance with the amendments now adopted and that the Bill as amended be published in the Gazette for general information and taken up for final consideration on a future date of which notice shall be given.

Seconded by Mr. Ramier.

The motion was put and agreed to.

STAMP BILL.

Mr. Kesava Pillai:—I beg to present the Report of the Select Committee on the Bill to consolidate and amend the Stamp law.

The Bill has been very carefully and critically considered by the Committee, and the Report describes the several points in which they have altered its provisions.

Most of the alterations made are of a minor character but are none the less necessary. The principal modification relates to the powers of appeal and revision proposed to be conferred on the Dewan. The Committee think that a change of the existing practice is likely to lead to needless complications and public inconvenience and they have therefore restricted the right of preferring an appeal to cases in which the parties concerned feel aggrieved by the decisions of the Peishcars as to the amounts of the duties adjudged on impounded documents. Sections 57 and 58 of the Bill have been accordingly omitted altogether and a new clause has been added to section 46.

The Committee have thought it fit to retain the present law with regard to the refund of penalty, as it is not desirable to limit the discretion of the Division Peishcar as proposed in the Bill.

Section 68 of the Bill which is also found in the existing Regulation has been omitted, because there is hardly any necessity for subjecting Vakils who infringe the Stamp Law to a special punishment in addition to what the Criminal Courts may inflict.

In a few cases, the enhancements of duties proposed to be introduced by the Bill have been given up and the amounts fixed by the existing Regulation have been

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